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IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1960

No. [redacted] 112

JAMES JOSEPH CENAC,

Petitioner,

vs.

STATE BOARD OF LAW EXAMINERS OF ARKANSAS

Respondents.

PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF ARKANSAS

RESPONDENT'S BRIEF IN OPPOSITION

ARKANSAS STATE BOARD OF LAW EXAMINERS, *pro se*

JOHN H. HALEY, *Chairman*

Rose, Meek, House, Barron, Nash & Williamson
720 West Third Street
Little Rock, Arkansas

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1960

No. 994

JAMES JOSEPH CENAC,

Petitioner.

vs.

STATE BOARD OF LAW EXAMINERS OF ARKANSAS

Respondents.

PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF ARKANSAS

RESPONDENT'S BRIEF IN OPPOSITION

This response is made in the form of a short memorandum, without subdivision, for purposes of brevity. The Arkansas State Board of Law Examiners is hereafter called "Board," and the Arkansas Supreme Court is hereafter called "Court."

The ten members of the Board are appointed for staggered terms, serve without compensation, and have the responsibility, evenly divided among themselves, of pre-

paring the questions for the semi-annual eighteen hour examination and grading the papers. Grading and tabulation of final results, a process in which the employed secretary plays no part, is by number only. Thereafter the identities of the applicants are ascertained, the statements of personal history studied, and a certificate is prepared recommending for admission to the Bar of Arkansas all those applicants meeting the admission requirements.

In this instance the petitioner tried unsuccessfully on seven occasions to make the passing average of 75% — his averages generally falling in the low sixties. This action followed.

As to the basic facts, in July, 1960, the petitioner last took the bar examination. Of the thirteen subjects on which he was examined, he failed twelve. His overall average was 61%. The chairman, who graded questions on only one subject, was the only member of the Board aware of the fact that the petitioner was taking the examination and then only because his duties require him to check scholastic and residence requirements of all applicants.

At the informal hearing following the filing of the petition, the absurdity and procedural impossibility of the charges was apparent. Counsel for petitioner was informed that a more formal hearing, if desired, would have to be conducted by an appointed master at the expense of the petitioner. No request for such a hearing was made, and no cost bond was filed pursuant to Court Rule 17 (c).

In the hearing conducted by a committee of the Court, the applications of the petitioner were examined and the Board discovered that the petitioner had perjured him-

self in almost all of the applications by recounting at length, under oath, events that never happened and litigation that never occurred. As the fantastic and scurrilous charges contained in the petition for writ of certiorari were apparently woven from the same cloth, we consider them beneath comment.

In conclusion, as the decision below was correct, and inasmuch as there is no federal question of substance in issue, the petition for writ of certiorari should be denied.

Respectfully Submitted,

ARKANSAS STATE BOARD OF LAW EXAMINERS, *pro se*

JOHN H. HALEY, *Chairman*

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